IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.2597 of 2007

The State of Maharashtra Applicant
Vs.
Rajendra Bhagwan Waghmare Respondent

Mr.A.Shitole, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 9, 2007.

P.C.

. Heard Mr.Shitole, the learned APP for the State. This application has been moved for seeking leave to appeal under Section 378(3) of Cr.P.C. for filing an appeal against the order of acquittal passed by the learned Sessions Judge at Pandharpur on 6/3/2007 in Special Case No.1 of 2006. The respondent was put on trial for the offences punishable under Section 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988. The respondent-accused was at the relevant time Talathi at Kasegaon, Taluka Pandharpur. On 7/3/2005 a trap was laid on the said Talathi and under the guidance of Police Inspector Kurundkar on the basis of the complaint filed by one Shri Bagal and five notes of Rs.500/- each with special powder coated were handed over to the complainant and the

accused was caught in the trap as alleged by the raiding party. The giving and taking of the currency notes was duly proved. However, the prosecution could not prove that the said money was accepted by the accused for discharge of official favours. The 7/12 extracts were already issued to the complainant and the defence of the accused that he collected the money from the complainant towards the National Flag Fund and this defence of the accused was duly proved before the trial Court. The accused thus discharged his burden and, therefore, the presumption was drawn in his favour.

. The reasoning set out by the trial Court in support of the order of acquittal does not call for any reconsideration at the hands of this Court and hence leave to appeal is hereby refused. Consequently the application is rejected.

(B.H.MARL